

To: Bergman, Ronald[Bergman.Ronald@epa.gov]; Corr, Elizabeth[Corr.Elizabeth@epa.gov]
From: Green, Holly
Sent: Tue 1/21/2014 1:03:22 PM
Subject: Fw: WV 2002 Source Water Assessment

Did not have time to search/locate a "protection plan" but the link to the assessment for the Charleston supply is below. I would suggest asking Vicky Binetti for any additional info if she is responding to email today and Nancy/Bob are still expecting something today. The article below notes that the assmt was not updated to include the facility responsible for the recent spill. I arrive in New Orleans at 11.

From: Holly Sage **Ex. 6 - Personal Privacy**
Sent: Tuesday, January 21, 2014 5:44:32 AM
To: Holly Sage; Green, Holly
Subject: WV 2002 Source Water Assessment

I was unable to download and save/attach or copy/paste, but here is the link:

<http://www.wvdhhr.org/oehs/eed/swap/get.cfm?id=3302016>

Likely related to this news article from BNA: <http://www.bloomberg.com/news/2014-01-18/water-utilities-review-plans-after-west-virginia-spill.html>

Water Utilities Review Plans After West Virginia Spill

By Mark Drajem Jan 18, 2014 12:00 AM ET

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Water utilities are reviewing safety plans after a chemical spill tainted a West Virginia treatment plant that hadn't updated

its assessment in 12 years, before a company began storing coal-cleansing chemicals nearby.

The 2002 Source Water Assessment Report for the West Virginia American Water Co. plant in Charleston listed the risk as high from industrial sites along the Elk River. There's no sign it was updated to account for Freedom Industries Inc., which bought and converted a facility that had stored gasoline into a site for storing the coal-cleaning chemical that leaked Jan. 9, forcing 300,000 people to stop using their water.

Critics said the document shows the limits of laws meant to keep U.S. drinking water safe. The American Water Works Association, which represents the industry, said utilities will take a new look at their plans after the spill in West Virginia.

“Utilities across the country are looking

again at their water assessment,” Tom Curtis, head of government affairs at the Denver-based association, said in an interview. They’re asking, “What’s in the watershed and what do I need to be aware of?”

In addition, regulators and lawmakers may learn more about the regulation for factories, storage facilities or farmers, said Curtis, whose group represents water utilities and manufacturers.

Senate Bill

West Virginia’s two Democratic U.S. senators, Joe Manchin and Jay Rockefeller, yesterday proposed legislation to boost inspections of above-ground chemical storage facilities and require companies to develop state-approved emergency-response plans. Their bill won backing from Senator Barbara Boxer, the California Democrat and

chairman of the Environment and Public Works Committee.

West Virginia Governor Earl Ray Tomblin also said that he will push for a state measure to require that public water systems have “proper contingency plans in place.” His office will propose that in a bill to the legislature next week, he said in a statement yesterday.

Environmental groups cite the leak of 7,500 gallons of a coal-processing chemical from a Freedom Industries tank on the banks of the Elk River, less than 2 miles miles upstream from a water intake serving the state capital, to show that protections are lacking for drinking water.

The leak of 4-methylcyclohexane methanol caused the largest do-not-use order ever by the West Virginia water utility, covering 300,000 people in the capital and nine nearby

counties.

System Flushed

After days of flushing the system, the entire area was cleared yesterday to resume use of the water, with an exemption for a few towns and an advisory that pregnant women avoid drinking it.

Rockefeller yesterday asked West Virginia American Water for information on tests that led to the lifting of the ban.

“While there are a number of questions I have about the spill and your company’s response to it, many of my constituents have expressed concern that the levels of” the chemical “have spiked in certain areas despite the ‘do not use’ order being lifted,” Rockefeller said in a letter to the company’s president, Jeffrey McIntyre.

The senator asked McIntyre whether the

company's tests show levels of the chemical are rising, what steps are being taken to protect the public and the actions to further eliminate the chemical.

Freedom Industries separately filed for bankruptcy protection, after more than two dozen lawsuits were filed against the company. Lawyers have also been filed against West Virginia American Water, part of American Water Works Co. (AWK), the nation's biggest publicly traded water utility.

Assess Risks

American Water, based in Voorhees, New Jersey, works with local, state and federal agencies to assess risks to water quality, said Denise Free, a company spokeswoman.

“American Water continuously coordinates with responsible state and federal agencies and participates or leads many joint industry

and government research projects and working groups to review and recommend ongoing improvements to the water sector,” she said in an e-mail when asked about the West Virginia report.

The assessment for the Elk River, required by a 1996 drinking water law, was prepared by the West Virginia health department. It says the risk of contamination in the river is high, and recommends that efforts be made to collect information about possible pollution risks.

“Source water protection efforts should be directed toward the establishment of an effective and efficient emergency response plan if one does not currently exist,” according to the assessment.

Current Rules

The West Virginia case shows limits of current

rules, which mandate that utilities or localities assess their risks without giving them the power or requiring the deficiencies be remedied, said Erik Olson, a lawyer focusing on drinking water at the Natural Resources Defense Council, the New York-based environmental advocacy group.

**“It’s pretty clear that a lot of problems were identified, but it’s not clear that anything was done about it,” he said in an interview.
“We’re hoping this is a wake-up call to regulators and Congress.”**

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